

ITW

PATENT

16018.900100

Sent via Facsimile to the Petitions Branch at (571) 273-0025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark KRESS, et al.

Serial No: ~~10/609,809~~ 10/606,809

Filed: June 26, 2003


For: APPLICATOR FOR HAIR
BUILDING FIBERS

Art Unit: 3732

Examiner: WILLATT, Stephanie

**REQUEST FOR WITHDRAWAL OF
ABANDONMENT**

Mail Stop DAC
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

I hereby certify that this correspondence is being transmitted via facsimile in accordance with Rule 92.4 to the United States Patent Office, Petitions Branch, at (571) 273-0025:	
Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450, on	
March 8, 2006	
Date of Deposit	
Heather B. Centurioni	
Name	
	03/08/06
Signature	Date

Dear Sir:

1. Applicant requests that the abandonment be withdrawn on the above-mentioned application. Applicant became aware of the abandonment when the Examiner called on March 2, 2006.
 2. Submitted herewith is:
 - ☒ a copy of the amendment under 37 C.F.R. § 1.111 previously filed on NOVEMBER 29, 2005 bearing a certificate of mailing executed on NOVEMBER 29, 2005.
 - ☒ a copy of the return receipt post card identifying the filed papers of Exhibits A-E and bearing the U.S. PTO receipt stamped dated NOVEMBER 30, 2005.
 3. Please proceed with further examination of this application on the basis of:
 - ☒ the original papers filed, which have now reached the appropriate area of the PTO
- AND
- ☒ the attached copy of the papers originally filed.

PATENT

16018.900100

Sent via Facsimile to the Petitions Branch at (571) 273-0025

4. Conditional Petition to Revive Pursuant to 37 C.F.R. §§ 1.137(a) or 1.137(b). It is respectfully submitted that a response to the Office Action was submitted within the period for response set in the Office Action mailed NOVEMBER 29, 2005. Accordingly, it is believed that no petition to revive is required. If the above petition to withdraw the holding of abandonment is denied, Applicant respectfully petitions in the alternative under 37 C.F.R. § 1.137(a) to revive the above-identified patent application abandoned for failure to prosecute on the basis that the delay in prosecution was unavoidable on the facts as set forth above. The attached copies of the response constitute a complete response. If the above petition to revive is denied, Applicant respectfully petitions in the alternative pursuant to 37 C.F.R. § 1.137(b) to revive the present application abandoned for failure to prosecute. Please be advised that the delay in prosecution was unintentional. Please charge any fee for this conditional petition to revive, if required, to Deposit Account No. 50-2899, referencing docket number 16018.900100. A duplicate copy of this paper is enclosed.

5. If needed, please charge any deficiency of fees or additional fees to Deposit Account No. 50-2899, referencing docket number 16018.900100.

6. Acknowledgment of the active status of this application is respectfully requested.

Respectfully submitted,

LINER YANKELEVITZ
SUNSHINE & REGENSTREIF LLP

Date: March 8, 2006

By: Stefan J. Kirchanski

Stefan J. Kirchanski

Registration No. 36,568

Attorney for Applicant(s)

1100 Glendon Avenue, 14th Floor
Los Angeles, CA 90024
Phone: (310) 500-3500
Fax: (310) 500-3501



EV 683262267 US

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ORIGINATOR SERVICE USE ONLY PO ZIP Code: _____ Day of Delivery: _____ Postage: \$ _____ <input type="checkbox"/> Ins <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd Day Scheduled Date of Delivery: _____ Return Receipt Fee: \$ _____ Date Accepted: _____ Month: _____ Day: _____ Scheduled Time of Delivery: _____ COO Fee: \$ _____ Insurance Fee: \$ _____ Ins. Day Year: _____ Time Accepted: <input type="checkbox"/> AM <input type="checkbox"/> PM <input type="checkbox"/> 1 PM <input type="checkbox"/> 2 PM Total Postage & Fees: \$ _____ Flat Rate <input type="checkbox"/> or Weight: <input type="checkbox"/> _____ Ins. Day Year: _____ Int'l Alpha Country Code: _____ Acceptance Exp. Initials: _____		DELIVERY POINT USE ONLY Delivery Attempt: _____ Time: <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature: _____ 1st Delivery Attempt: _____ Time: <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature: _____ 2nd Delivery Attempt: _____ Time: <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature: _____ <input type="checkbox"/> NUMBER OF SIGNATURES (through last only) Additional information (through last only) Number of signatures to request (2) who delivery to be made without checking signature of addressee or addressee's agent (if delivery requires person that must be in house to receive mail) I understand that delivery without my signature constitutes valid proof of delivery. No DELIVERY: _____	
FROM: (PLEASE PRINT) 310 500 3500 LINER YANKELEVITZ 11001 GLENDON AVE FL 14 LOS ANGELES CA 90024-3518 16018.900100 SIK/hbc 11/29/05		TO: (PLEASE PRINT) MAIL STOP AMENDMENT COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450	
FOR PICKUP OR TRACKING: VISIT www.usps.com		Call 1-800-222-8844	

177 200

F:02 T:12

EV683262267US

SN 101609,800 File No. 16018.900100 Mailed 11-29-05 By: SIK/hbc
 Title APPLICATION FOR HAIR BUILDING PEEKS
 Client Name: SPENCER FOREST

The following, due 12-29-05 in the U.S. Patent & Trademark Office, was received in the Patent & Trademark Office on

SN 101609,800 File No. 16018.900100 Mailed 11-29-05 By: SIK/hbc
 Title APPLICATION FOR HAIR BUILDING PEEKS
 Client Name: SPENCER FOREST

The following, due 12-29-05 in the U.S. Patent & Trademark Office, was received in the Patent & Trademark Office on the date stamped hereon:

FILE TO BE PAID BY DEPOSIT ACCOUNT:

<input type="checkbox"/> Patent Applr: <input type="checkbox"/> Prov'l <input type="checkbox"/> Utility <input type="checkbox"/> Div. <input type="checkbox"/> Cont.	<input type="checkbox"/> Filing <input checked="" type="checkbox"/> Extension <input type="checkbox"/> Surcharge <input type="checkbox"/> Recordation
<input type="checkbox"/> Parent/Prior Appln. No. if applicable: _____	<input type="checkbox"/> Issue <input type="checkbox"/> Petition <input type="checkbox"/> IDS <input type="checkbox"/> Appeal <input type="checkbox"/> Other
<input type="checkbox"/> Pages Spec. _____ Page Abstract _____	<input type="checkbox"/> CIP <input type="checkbox"/> Derivation <input type="checkbox"/> Preliminary Amendment
<input type="checkbox"/> Declaration/Power of Attorney <input type="checkbox"/> UNSIGNED	<input type="checkbox"/> Letter of Transmittal
<input type="checkbox"/> Assignment and Recordation Cover Sheet	<input type="checkbox"/> Drawings <input checked="" type="checkbox"/> Sheets
<input type="checkbox"/> Check No. _____ for \$ _____	<input type="checkbox"/> Formal <input type="checkbox"/> Informal
<input type="checkbox"/> Check No. _____ for \$ _____	<input type="checkbox"/> Priority Document
<input type="checkbox"/> Assertion of Small Business Entity Status Under 37 CFR 1.301	<input type="checkbox"/> Status Request
<input type="checkbox"/> Request for Nonpublication and Certification Under 35 U.S.C. 122(b)	<input type="checkbox"/> Certificate of Express Mail, Label No. <u>EV 683262267 US</u>
<input type="checkbox"/> RCE <input type="checkbox"/> CPA	<input type="checkbox"/> Amendment/Response <input type="checkbox"/> Restriction Req <input type="checkbox"/> After Final <input type="checkbox"/> After Allowance
<input type="checkbox"/> Certificate of Express Mail, Label No. <u>EV 683262267 US</u>	<input type="checkbox"/> Request for Extension of Time, <u>0</u> month(s)
<input type="checkbox"/> Revocation and Power of Attorney	<input type="checkbox"/> Statement Under 37 CFR 3.73(b)
<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Associate Power of Attorney
<input type="checkbox"/> Petition for _____	<input type="checkbox"/> Associate With Customer Number

PRESS HARD, YOU ARE MAKING 3 COPIES.

PATENT
Attorney Docket No: 16018.900100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark KRESS, et al.

Serial No: 10/609,809

Filed: June 26, 2003

For: APPLICATOR FOR HAIR BUILDING FIBERS

Art Unit: 3732

Examiner: WILLATT, Stephanie

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL
"Express Mail" Mailing Label No. EY 683262269 US
Date of Deposit: November, 29, 2005

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

I hereby certify that


- ☒ Amendment Transmittal Sheet
- ☒ Petition for Extension of Time (1 month)
- ☐ patent application (___ page(s) of specification; ___ claim(s); ___ page(s) of abstract
- ☒ 4 sheet(s) of Substitute ☒ formal ☐ informal drawings
- ☐ executed Declaration and Power of Attorney (☐ copy from parent)
- ☐ assignment of the invention to ___ (☐ copy from parent)
- ☐ certified copy of ___ patent application No. ___ which was filed ___ from which priority is claimed in the subject case pursuant to 35 U.S.C. § 119
- ☐ Preliminary Amendment
- ☐ Assertion of Small Entity Status under 37 CFR 1.27
- ☐ Request And Certification Under 35 U.S.C. 122(b)(2)(B)(i) for non-publication
- ☐ Information Disclosure Statement, ___ references ☐ listed ☐ enclosed
- ☒ return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop Amendment
Commissioner for Patents
Washington, D.C. 20231.

Date: November, 29, 2005

LINER YANKELEVITZ
SUNSHINE & REGENSTREIF LLP
1100 Glendon Avenue, 14th Floor
Los Angeles, CA 90024
Phone: (310) 500-3500
Fax: (310) 500-3501

Heather B. Centurioni
Name of person mailing papers

Signature

PATENT

16018.900100

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark KRESS, et al.

Serial No: 10/609,809

Filed: June 26, 2003

For: APPLICATOR FOR HAIR BUILDING FIBERS

Art Unit: 3732

Examiner: WILLATT, Stephanie

PETITION FOR EXTENSION OF TIME

Mail Stop AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313

Dear Sir:

In accordance with 37 C.F.R. 1.136, Applicant respectfully petitions the Commissioner for a one-month extension of time extending to December 27, 2005, the period for response to the Office Action dated August 24, 2005. Please charge the fee of \$60 for this extension to Deposit Account No. 50-2899, referencing docket number 16018.900100. The responsive paper(s) are attached.

Please charge any insufficiency or credit any overpayment to Deposit Account No. 50-2899, referencing docket number 16018.900100. A copy of this petition is enclosed.

Respectfully submitted,

LINER YANKBLEVITZ

SUNSHINE & REGENSTREIF LLP

Date: November, 29, 2005

By: Stefan J. Kirchanski

Stefan J. Kirchanski

Registration No. 36,568

Attorney for Applicant(s)

1100 Glendon Avenue, 14th Floor

Los Angeles, CA 90024

Phone: (310) 500-3500

Fax: (310) 500-3501

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Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450, on November 29, 2005	
Date of Deposit	
Heather B. Cantorini	
Name	
<u>[Signature]</u>	11/29/05
Signature	Date

FORM PTO-1083

16018.900100

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
 Mark KRESS, et al.
 Serial No: 10/609,809
 Filed: June 26, 2003
 For: APPLICATOR FOR HAIR BUILDING FIBERS

Art Unit: 3732
 Examiner: WILLATT, Stephanie

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 Commissioner for Patents
 P.O. Box 1450
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 November 29, 2005
 Date of Deposit
 Heather B. Canturoni
 Name
 Signature *HBC* Date 11/29/05

Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☒ Small entity status has been claimed. See 37 CFR § 1.27.
☐ A certified copy of ___ Patent Application No. ___ filed ___ from which priority is claimed under 35 U.S.C. § 119 is enclosed.
☐ A Notice Of Change Of Attorney's Address and Associate Power Of Attorney is enclosed.
☐ No additional fee is required.

The fee has been calculated as shown below.

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	10	-	10	0	LG=\$350 SM=\$25	\$ 0
INDEPENDENT CLAIMS FEE	2	-	1	0	LG=\$20 SM=\$10	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$140	\$ 0
TOTAL						\$ 0

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 -- If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 -- If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ A check in the amount of \$___ to cover the additional claims fee is enclosed.
☐ A check in the amount of \$___ to cover the extension fee is enclosed.
☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 60-2899, referencing docket number 16018.900100.
☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
 LINER YANKELEVITZ
 SUNSHINE & REGENSTREIF LLP

Date: November, 29, 2005

By: *Stefan J. Kirhanatz*
 Stefan J. Kirhanatz
 Registration No. 36,568
 Attorney for Applicant(s)

1100 Glendon Avenue, 14th Floor
 Los Angeles, CA 90024
 Phone: (310) 500-3500
 Fax: (310) 500-3501

Amendment to Office Action dated August 24, 2005 .
Amendment dated 29-Nov-05
Page 1 of 10

Patent Application
Serial No. 10/609,809

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KRESS, Mark, et al.

Serial No: 10/609,809

Filed: June 26, 2003

For: **APPLICATOR FOR
HAIR BUILDING FIBERS**

Art Unit: 3732

Examiner: WILLATT, Stephanie

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on

29 November 2005

Date of Deposit

Heather Centurioni

Name

HEC 11/29/05

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated August 24, 2005 , the time for
response having been extended from November 24 to December 27, 2005 by the
enclosed petition and fee authorization, please amend the above-identified
application as follows:

Amendments to the Drawings begin on Page 2.

Amendments to the Claims begin on Page 3.

Remarks begin on Page 7.

FAX DELIVER
07/07/2005 11:38 PAGE 003/021 FAX DELIVER

Amendment to Office Action dated August 24, 2005 .
Amendment dated 29-Nov-05
Page 2 of 10

Patent Application
Serial No. 10/609,809

AMENDMENTS TO THE DRAWINGS:

Kindly approve the enclosed revised drawing which are marked "Substitute Sheet." In Figs 3-4 reference sign "36" has been corrected to "38." In Figs. 5, 6 and 8 reference sign "37" has been corrected to "38," and one instance of reference sign 44 has been deleted in each figure.

.....

Amendment to Office Action dated August 24, 2005 .
Amendment dated 29-Nov-05
Page 3 of 10

Patent Application
Serial No. 10/609,809

AMENDMENTS TO THE CLAIMS:

The following listing of claims replaces all prior versions, and listings, of claims in the application. If any claims are designated "cancelled," please cancel such claims without prejudice.

Listing of Claims:

- 1 1. (Currently Amended) An applicator for depositing
- 2 cosmetic hair building solids on a selected region, the applicator comprising:
- 3 a container for holding a mass of hair building solids;
- 4 a gas conduit disposed to direct a stream of gas onto a surface of the
- 5 mass to suspend the hair building solids;
- 6 a passageway for conducting the suspended hair building solids;
- 7 a first connection to provide in communication with directly between
- 8 the gas conduit and the passageway;
- 9 a first valve opening or closing ~~communication~~ the first connection
- 10 between the gas conduit and the passageway.
- 11 a first orifice providing a second connection between the passageway
- 12 and an interior of the container;
- 13 and a second valve opening or closing the second connection; and
- 14 a second orifice through which the suspended hair building solids exit
- 15 the passageway in a stream to deposit on the selected region.

Amendment to Office Action dated August 24, 2005 .
Amendment dated 29-Nov-05
Page 4 of 10

Patent Application
Serial No. 10/809,809

1 2. (Original) The applicator according to Claim 1, wherein the
2 stream of gas is air provided by compression of a rubber bulb in communication
3 with the gas conduit.

1 3. (Original) The applicator according to Claim 1, wherein the
2 container is equipped with a lid, and wherein the gas conduit penetrates the lid.

1 4. (Currently Amended) The applicator according to Claim
2 1, wherein the second connection provided by the first orifice passes through a
3 portion of the lid.

1 5. (Original) The applicator according to Claim 1, wherein
2 some portion of the passageway is longitudinally aligned with some portion of the
3 gas conduit.

1 6. (Currently Amended) A method of applying hair building
2 solids comprising the steps of:
3 providing an applicator comprising, according to Claim 1;
4 a container for holding a mass of hair building solids;
5 a gas conduit disposed to direct a stream of gas onto a surface
6 of the mass to suspend the hair building solids;

7 a passageway for conducting the suspended hair building
8 solids;
9 a first orifice providing a connection between the passageway
10 and an interior of the container; and
11 a second orifice through which the suspended hair building
12 solids exit the passageway in a stream;
13 ~~ensuring that the first valve is closed and the second valve is open;~~
14 directing the second orifice towards a region in need of hair building
15 solids;
16 operating the applicator to produce a stream of hair building solids;
17 and
.....18 allowing the stream to deposit hair building solids on the region.

1 7. (Original) The method according to Claim 6 further
2 comprising a step of applying an adhesive to the region.

1 8. (Original) The method according to Claim 7, wherein the
2 step of applying an adhesive occurs prior to the step of allowing the stream to
3 deposit.

1 9. (Original) The method according to Claim 6 further
2 comprising a step of using a template.

Amendment to Office Action dated August 24, 2005 .
Amendment dated 29-Nov-05
Page 6 of 10

Patent Application
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- 1 10. (Currently Amended) The method according to Claim 8,
2 wherein the applicator further comprises means for blowing a stream of air not
3 containing hair building solids, further comprising a step ~~of opening the first valve~~
4 ~~and closing the second valve and operating the applicator to blow~~ blowing a stream
5 of air not containing hair building solids.
-

REMARKS

Before the current amendment claims 1-10 were in prosecution. Claims 1, 4, 6 and 10 are amended above. Claims 1-10 remain in prosecution.

The Office Action

In the Office Action the drawings were objected to because of an inconsistency in the reference sign. Applicants thank the Examiner for carefully reviewing the drawings. A review of the figures indicates that the Examiner is correct—sign 37 in Figs. 5, 6, and 8 should be 36. In addition, those same figures contain a spurious reference sign 44 pointing to the suspension tube 36. Further, Figs. 3 and 4 refer to the directing tube as 36 rather than 38. Appropriate corrections are submitted herewith for the Examiner's approval.

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cobb (U.S. Patent No. 1,776,489) in view of Fish (U.S. Patent No. 947,468).

The Examiner found that the device of Cobb essentially provides the same structural features as Applicants' device except that it lacks valves. Applicants understand the Examiner as stating that the Cobb device is equivalent to Fig. 7 of the instant application, which figure shows an embodiment without valves. The Examiner concludes that Fish provides the missing valves.

Claims 6-10 were objected to as being based on a rejected based claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants thank the Examiner for this determination of allowable subject matter.

Claim Rejections

Applicants respectfully traverse the rejections made under 35 U.S.C. § 103(a). In an analysis of Cobb (page 3 of the Office Action), the Examiner finds all of the elements of Applicants' device in that reference. Applicants' respectfully point out that the "passageway" element (line 6 of claim 1) is in communication with the gas conduit. That is to say, the passageway is operationally connected directly to the gas conduit. This communication is best seen as 46 in Fig. 6 (the valveless embodiment of the device). This communication is reversibly closed by valve 58 in Fig. 8. Applicants respectfully contend that Cobb lacks any communication between the gas conduit (pipe 15) and the passageway (pipe 16). In fact, the device of Cobb is structurally analogous to the embodiment of Fig. 5 of the Instant application—this embodiment also lack a communication between the gas conduit and the passageway. As explained in the specification, the connection between the gas conduit and the passageway can help dispense the solid material in the container as well as provide (with the use of valves) an air stream free of the solid material.

The valves in Fish close the gas conduit (pipe 3) and passageway (pipe 4). Apparently, this device was designed to dispense ink or other liquid from the container 1. For this purpose the bulb 7 provides gas pressure to the container 7 through the pipe 4 and the orifice 19. The opening 24 of the passageway 3 is located at the bottom of the container 1 below the liquid level. Therefore, gas pressure delivered through the gas conduit 4 causes the liquid to be forced into the passageway 3 and to exit from the opening 8. When the device is moved or stored, it is undesirable for ink to drip all over the place. Therefore, valves 13 are provided to simultaneously close both the gas conduit 4 and the passageway 3. The Examiner's attention is now called to Fig. 8 of the Instant application. In that drawing it can be observed that a first valve 58 reversibly closes the opening between the gas conduit 28 and the directing tube 38. A second valve 62 reversibly

Amendment to Office Action dated August 24, 2005 .
Amendment dated 29-Nov-05
Page 9 of 10

Patent Application
Serial No. 10/609,809

closes the orifice 44 connecting the container and the directing tube 38. This valve is analogous to the valve 13 in pipe 3 of the Fish device. The Fish device has nothing analogous to valve 58 which would close a connection (that does not exist) between pipe 3 and pipe 4.

Whereas the valves in the Fish device are intended to prevent spillage of liquid, the valves in the present device are intended to vary the rate and volume of dispensing (by opening or closing valve 58) or to prevent dispensing while still providing an air stream by opening valve 58 and closing valve 62. Applicants respectfully contend that the cited prior art neither discloses nor suggests the claimed structures. Therefore, Applicants respectfully request the rejections made under 35 U.S.C. § 103(a) be withdrawn.

Allowable Claims

In redrafting Claim 6 in independent form Applicants noticed that the reference to valves in the claim is superfluous. The orientation of valves described provides the structure shown in Fig. 5, which is the structure originally assumed by the Examiner. To clarify the redrafted claim, the reference to valves is moved to a dependent claim.

Claim Amendments

Applicants believe that original claims 1-5 are patentable over the cited art. However, because the Examiner misunderstood the original claim, the connection between the gas conduit and the passageway is now claimed in a more direct fashion. There is no intent to alter the scope of the claim in any way.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner still finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney

Amendment to Office Action dated August 24, 2005 .
Amendment dated 29-Nov-05
Page 10 of 10

Patent Application
Serial No. 10/609,809

at the Los Angeles telephone number (310) 500-3548 to discuss the steps necessary for placing the application in condition for allowance. You are hereby authorized to charge any fees due and refund any surplus fees to our Deposit Account No. 50-2899. Please reference matter number 16018.900100 .

Respectfully submitted,

LINER YANKELEVITZ SUNSHINE &
REGENSTREIF

Date: 29-Nov-05

By: Stefan J. Kucharski

Stefan J. Kucharski
Registration No. 36,568
Attorney for Applicant(s)

1100 Glendon Ave., 14th Floor
Los Angeles, CA 90024
Telephone: (310) 500-3500
Facsimile: (310) 500-3501

SUBSTITUTE SHEET

FIG. 3

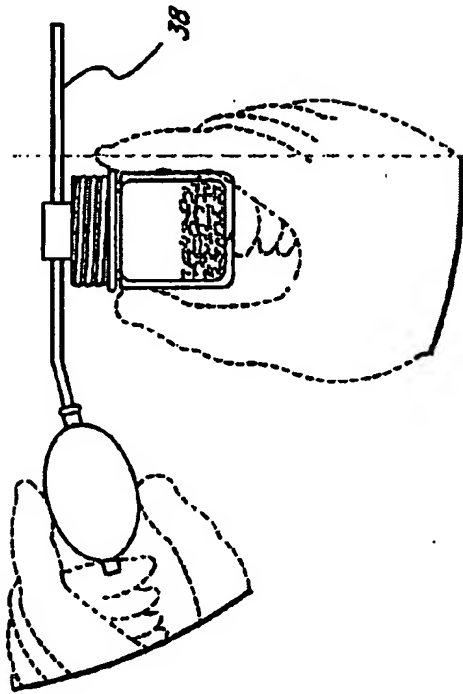


FIG. 4

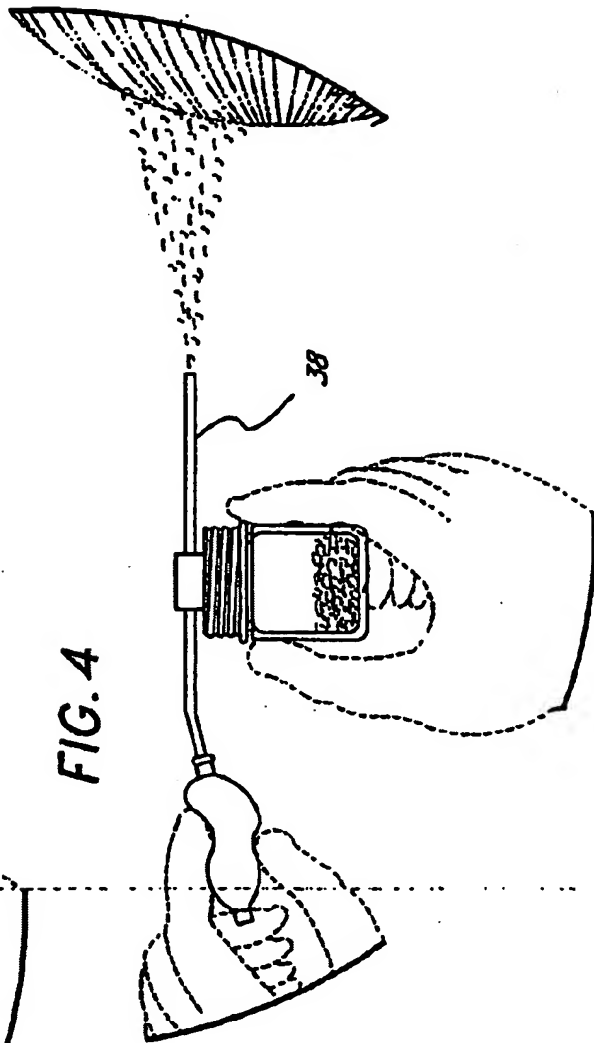
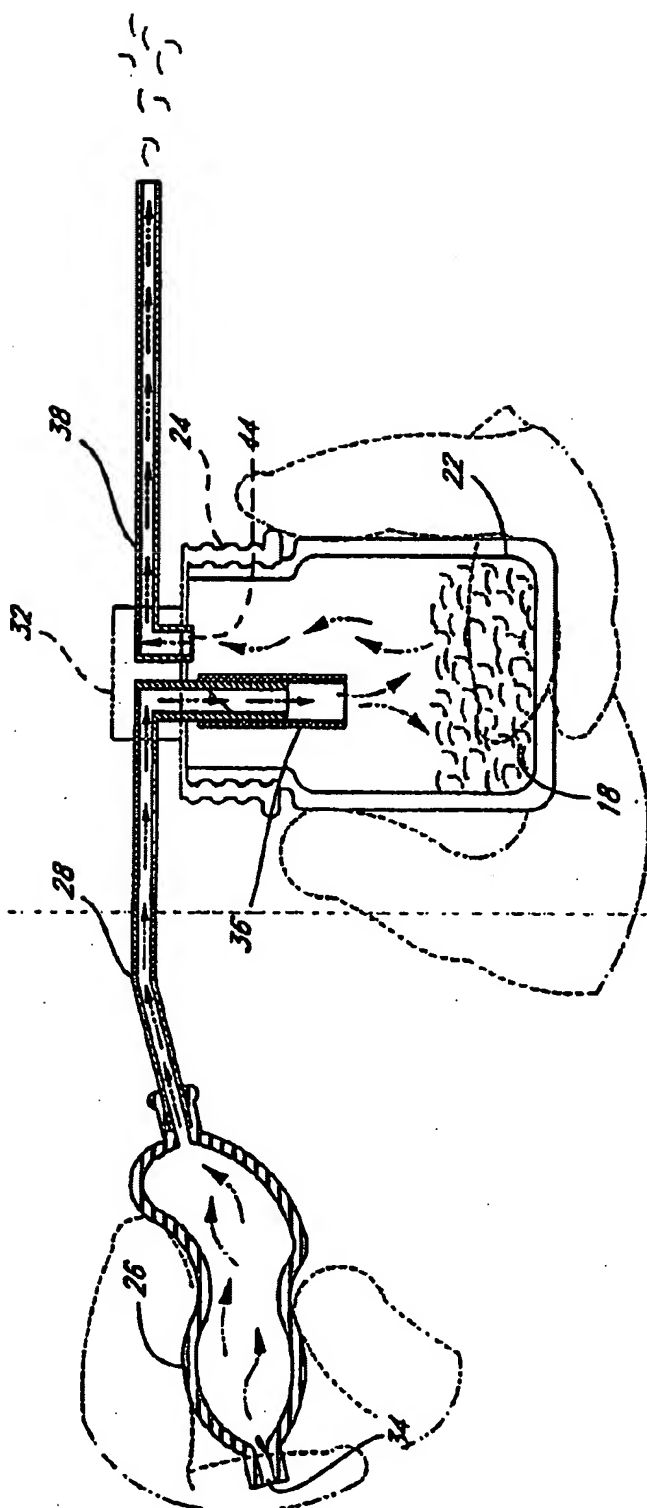
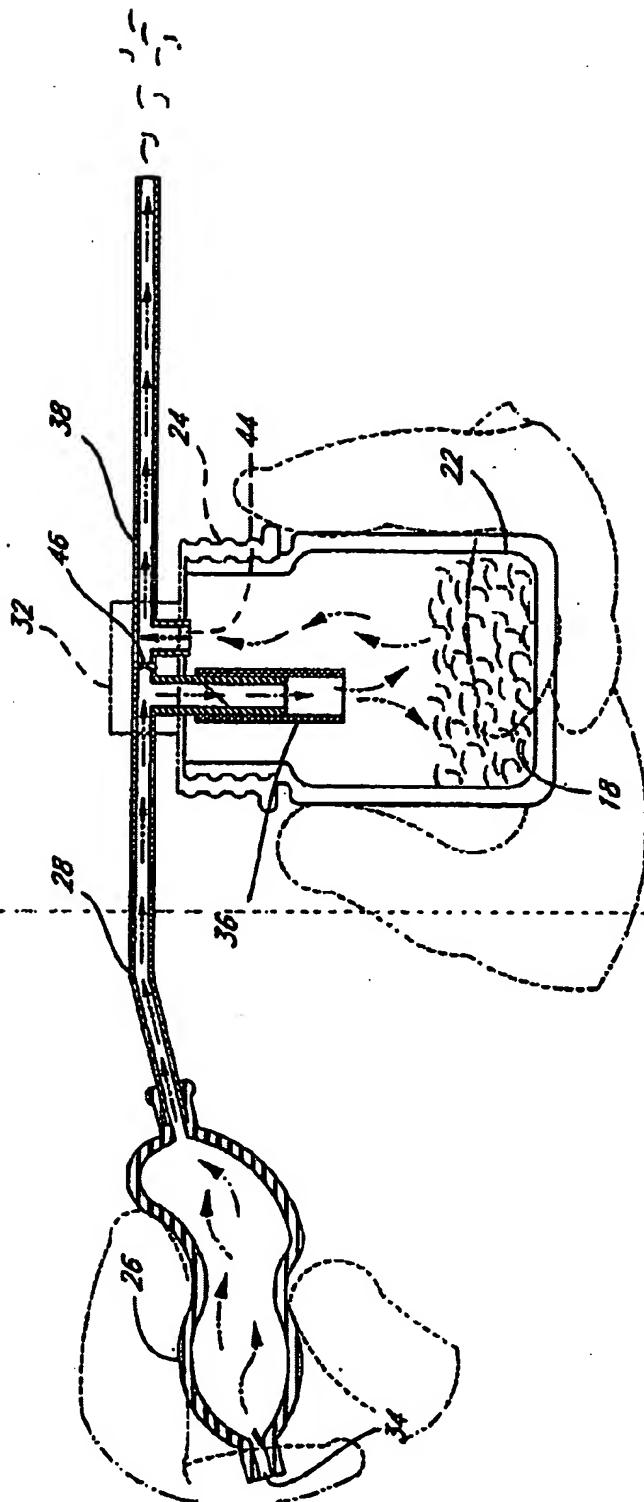


FIG. 5

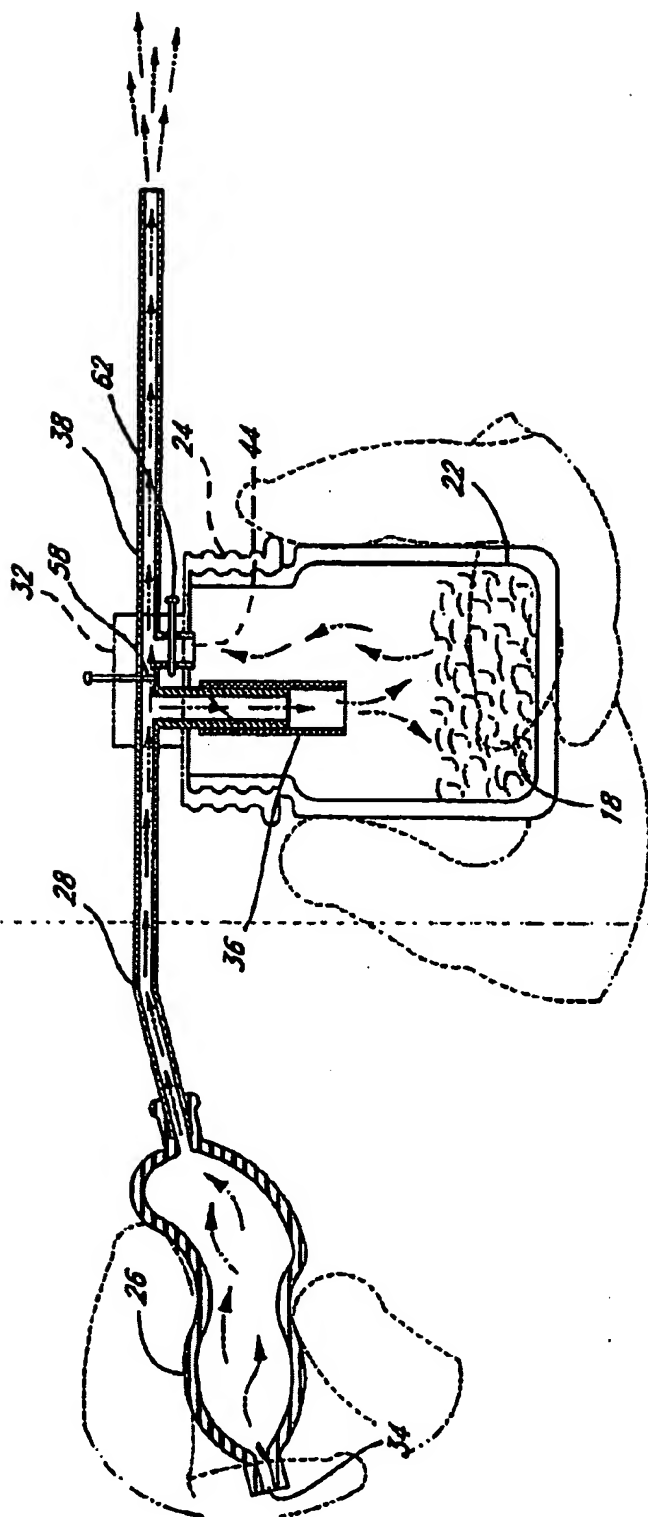


11



SUBSTITUTE SHEET

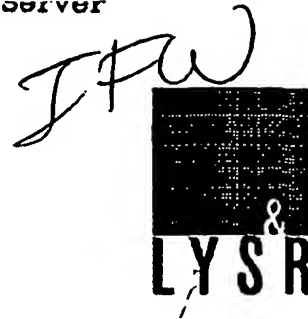
FIG. 8



LINER YANKELEVITZ SUNSHINE & REGENSTREIF LLP

1100 Glendon Avenue | 14th Floor | Los Angeles, CA 90024-3503

t. 310.500.3500 | f. 310.500.3501



RECIPIENT	COMPANY	FAX No.	PHONE No.
Petitions Branch	US PTO	571.273.0025	

FROM:	Heather Centurioni	DATE:	March 8, 2006
FAX No.:	1 800 914 8576	PHONE No.:	310.500.3541

MESSAGE:

Please see the attached Request for Withdrawal of Abandonment.

CAUTION: PRIVILEGED AND/OR CONFIDENTIAL INFORMATION

THE INFORMATION CONTAINED IN THIS FACSIMILE COVER SHEET AND THE ATTACHMENTS, IF ANY, ARE PRIVILEGED, CONFIDENTIAL AND INTENDED SOLELY FOR THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR REPRODUCTION OF THIS COMMUNICATION, OR ANY PART HEREOF, IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY LINER YANKELEVITZ SUNSHINE & REGENSTREIF LLP BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.